



Open the Door to Fair Housing

WHAT IS FAIR HOUSING?

The Fair Housing Act of 1968 was adopted to safeguard against illegal housing discrimination. The law protects a person's right to own, sell, purchase, or rent housing of his or her choice without fear of unlawful discrimination.

WHAT IS COVERED UNDER FAIR HOUSING LAWS?

Fair housing laws cover nearly every stage of the rental process, including:
Advertising, Screening, Leasing, and Tenancy

Advertising

There are some exceptions to the fair housing laws with regards to:

- Homes in which the landlord lives and rents to just one person
- Housing specifically intended for and occupied by senior citizens
- Single-room occupancy developments

Leasing

Screening

In order to allow individuals with physical and mental disabilities full and equal access to housing, in most cases:

- Landlords must make "reasonable accommodations" in rules, policies, practices, or services for their tenants with disabilities, if requested
- Landlords must allow tenants with a disability to make "reasonable modifications" to a dwelling or building, if the tenant pays for the changes
- The tenant must restore the premises to the original condition after vacating the unit

Tenancy

A landlord may decide not to rent to an applicant, as long as the same standards are applied to everyone, when:

- The available unit is too small for the proposed number of tenants
- The applicant's income does not cover the rent
- The applicant has a poor credit history
- The applicant has an unfavorable rental history



FAIR HOUSING

WHAT IS CONSIDERED UNLAWFUL DISCRIMINATION?

State and federal fair housing laws protect against discrimination in housing on the basis of the following protected categories:

RACE/ETHNICITY *"You wouldn't feel comfortable in this neighborhood"*
"I don't rent to you people"

NATIONAL ORIGIN *"I don't think you will fit in here with your accent"*

RELIGION *"People who have no religion have no morals"*

GENDER *"Where's your husband?"* *"There is an additional*

FAMILIAL STATUS (children) *"This is an adult building" security deposit per child"*

DISABILITY *"No pets allowed - not even your seeing-eye dog"*

SEXUAL ORIENTATION *"You won't like it here - there aren't any other couples of your kind"*

SOURCE OF INCOME *"We don't take people on SSI"* *"We don't rent to migrant workers"*

AGE *"We don't rent to anyone under 30 years old - they make too much noise"*

MARITAL STATUS *"We don't rent to unmarried couples"*

OPERATION OF LICENSED HOME DAY CARE *"Your day care will cause excess liability for apartment owners"*
"Kids in day care make too much noise"

ARBITRARY CATEGORIES THAT ARE UNRELATED TO THE RESPONSIBILITIES OF A TENANT (such as personal appearance, political affiliation, or belonging to organizations)

"We don't rent to motorcycle riders"

"We don't rent to Pro-Choice advocates"



If you have any questions about your rights and responsibilities under the fair housing laws, please contact:

Asian Law Alliance
184 E. Jackson Street
San José, CA 95112
408.287.9710
www.asianlawalliance.org

Bay Area Legal Aid
2 W. Santa Clara St., 8th Floor
San José, CA 95113
408.283.3700
www.baylegal.org

Fair Housing Law Project
111 W. St. John Street
Suite 315
San José, CA 95113
408.280.2435
www.lawfoundation.org

Legal Aid Society of Santa Clara County
480 N. First Street, P.O. Box 103
San José, CA 95103
408.998.5200
www.legallaidociety.org

Project Sentinel
430 Sherman Avenue, Suite 308
Palo Alto, CA 94306
888.324.7468
www.housing.org

Tri-County Apartment Association
20863 Stevens Creek Boulevard
Suite 250
Cupertino, CA 95014
408.873.1599
www.tcaa.org

Santa Clara County Association of Realtors
1651 N. First Street
San José, CA 95112
408.445.8500
www.sccaor.com

City of San José Housing Department
408.277.4747
www.sjhousing.org

